Criminal Injury Compensation Program

Report 2000

January 1 – December 31, 2000

Administered by the Workers' Compensation Board of British Columbia for the Ministry of Attorney General

BRITISH COLUMBIA

WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

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Mission statement

Our society has a responsibility to assist innocent victims of crime. The Criminal Injury Compensation Program (CICP) represents an acceptance of society's obligation to help those harmed by crime and serves to recognize the wrong done to victims by easing their financial hardship.

Goals for 2001

In 2001, the Criminal Injury Compensation Program will complete an updated draft of its policy manual. CICP staff and stakeholders will use the manual to assist victims of crime.

In order to meet its objectives for 2001, the CICP will:

- Continue to survey our stakeholders to determine their satisfaction with the CICP
- Continue to provide educational and informational presentations to stakeholders
- Continue to review and improve processes to provide timely and quality adjudication for victims of crime
- Ensure that the Appeal Committee of the CICP continues to provide an independent, timely, and efficient appeal process for victims of crime

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Acknowledging the harm done to victims of crime

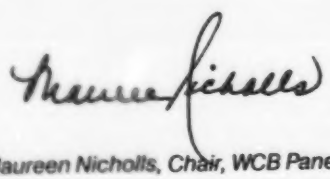
The Workers' Compensation Board is charged with the responsibility of adjudicating claims under the Criminal Injury Compensation Program (CICP). This program is part of the Ministry of Attorney General. Its mandate is to acknowledge the harm done to victims of crime and help them get on with their lives through the provision of monetary awards or benefits such as counselling.

In other parts of this report, there is mention of the benefits provided to victims of crime. Almost half the benefits paid are for pain and suffering. Other categories are medical aid, loss of support to dependants, loss of love and guidance, wage loss, vocational expenses, funeral and burial costs, counselling, and child maintenance. You will also read case studies, which we include in this report for their educational value in describing parts of the program.

Hopefully this report and, specifically, the categories of benefits and the case studies put a human face on this complex and essential program. Approximately 5,200 victims of crime received benefits in the past year. As has been the case in the past, approximately one-third of those awards were to victims of sexual assault and abuse. One other statistic worth noting is that the majority of all awards go to victims of crimes of violence.

One of the highlights of the CICP over the past year was the use of a survey to measure levels of client satisfaction. The remarks were positive and will serve as important benchmarks for improvement in the future. One of the highlights of the coming year will be finalizing a draft policy document that the CICP has consulted on with its stakeholders over the past two years. This will provide the program with the most up-to-date and comprehensive document in its 30-year history.

The entire cost of the program is recovered by the WCB from the provincial government. The WCB works closely with the Ministry of Attorney General in carrying out its functions under the CICP. I would like to thank the approximately 50 staff members who administer the CICP on behalf of the WCB. The CICP deals with difficult issues affecting people from all walks of life, and the people of British Columbia are well served by the high standards the program seeks to provide.



Maureen Nicholls, Chair, WCB Panel of Administrators
Agency responsible for administering the Act.

In awarding compensation to victims of crime, the Criminal Injury Compensation Program does not try to redress the wrong done by granting large sums of money. Instead, the aim is to acknowledge the harm done to victims and to lighten their financial load. Criminal injury compensation includes medical and dental care, funeral expenses, lost income, counselling, and rehabilitation.

Victims eligible for compensation are those who:

- Were injured by any of 56 criminal offences covered by the *Criminal Injury Compensation Act*
- Were financially supported by someone killed due to a crime
- Are a non-dependent immediate family member of someone killed due to a crime
- Were injured while helping a law enforcement officer or trying to stop a crime from occurring
- Were injured on the job as a result of any one of the criminal offences outlined in the Act

The *Criminal Injury Compensation Act* has been updated over the years, expanding the number of people eligible for compensation. For example, in 1995, the crimes of uttering threats and harassment were added. In that same year, two new victim groups were added: immediate family members, not just dependants, of victims killed by a crime and workers injured by a crime while on the job. These changes highlight the evolving nature of criminal injury compensation. They also underscore the desire of the CICP to recognize and respond to the changing attitudes of an enlightened society.

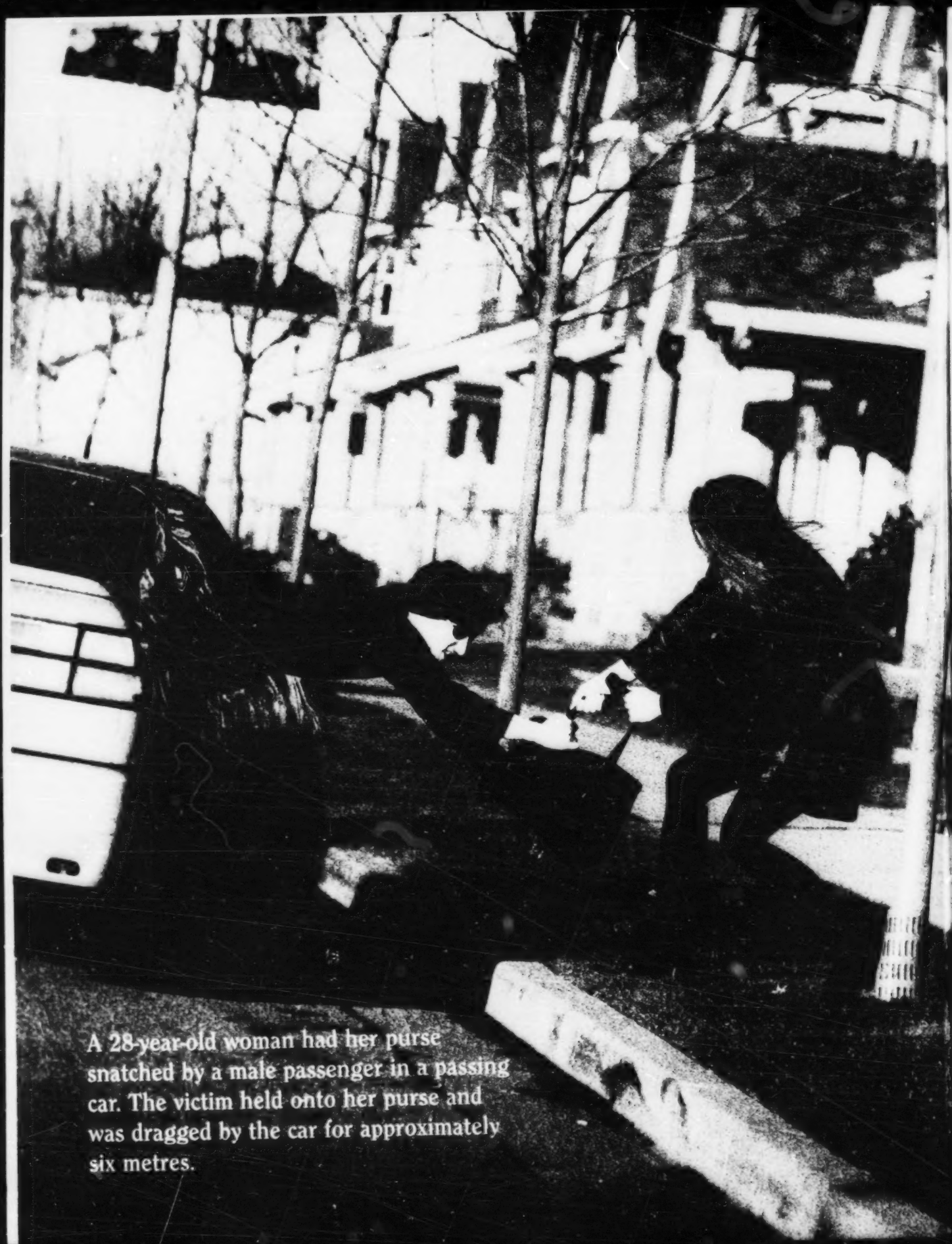
Today's claims reveal the sad reality that women and children combined make up 64 percent of applicants – many of them victims of sexual assault and abuse. This differs substantially from 30 years ago, when the majority of applicants were adult males.

The CICP has the difficult task of balancing compassion and the statutory provisions of the *Criminal Injury Compensation Act*, which defines both what we can and cannot compensate for. The CICP deals with applicants at what is often the most traumatic time of their lives, and to some of them compensation must be denied. CICP staff strive to provide thoughtful and caring service to all clients, and to remain sensitive to the changing needs of victims of crime.

In most cases, coverage extends from the date a crime is added to the Act's schedule. However, the amendments in regard to claims made on account of a fatal injury by non-dependent immediate family members are retroactive to January 1, 1991, even though the amendment was added to the legislation in 1995.

The Workers' Compensation Board (WCB) administers the CICP because it has the major resources to process applications and significant expertise in compensation. Compensation is paid from the Consolidated Revenue Fund of British Columbia.

Unfortunately, many people learn about the program only after becoming the victim of a crime. In many cases, the police, victims-of-crime organizations, physicians, or hospital staff refer people to the CICP. Application forms are available at any WCB office in British Columbia, or by calling 604 244-6400, toll-free in B.C. at 1 800 449-5331.



A 28-year-old woman had her purse snatched by a male passenger in a passing car. The victim held onto her purse and was dragged by the car for approximately six metres.

Examples of allowed claims

Injury due to broken car window

Incident: A woman was struck by flying glass when an offender broke the windows of her car. The victim was sitting behind the wheel when the suspect approached her car after a traffic dispute.

Claim and assessment: The victim suffered a cut to the sclera of the right eye and required three surgeries.

Award: $1,750.00 for pain and suffering, $131.65 for medical costs, and $87.36 for travel costs.

Application following death of immediate family member

Incident: A man made an application for compensation, as an immediate family member, following the murder of his mother.

Claim and assessment: The death had a financial and emotional impact on the applicant, who was also treated for chest pain arising from an acute stress disorder following the discovery of his mother's body.

Award: $3,000.00 for pain and suffering.

Employee assaulted by shoplifter

Incident: A 29-year-old man was punched in the face by a suspected thief while working in a store as a loss-prevention officer. Because the applicant was injured on the job, he was eligible for workers' compensation benefits for wage loss and medical expenses.

Claim and assessment: The victim suffered bruises to his face and a laceration to his nose.

Award: $750.00 for pain and suffering under the CICP claim.

Purse snatched from passing car

Incident: A 28-year-old woman had her purse snatched by a male passenger in a passing car. The victim held onto her purse and was dragged by the car for approximately six metres.

Claim and assessment: The victim suffered bruises and abrasions to her left leg and elbow, and a severe strain to her left arm.

Award: $1,000.00 for pain and suffering, $526.82 for wage loss, and $50.00 for damaged clothing.

Multiple sexual abuse incidents

Incident: A 42-year-old woman experienced multiple incidents of sexual abuse, including fondling and threats of violence, over a six-year period.

Claim and assessment: The victim suffered severe emotional trauma. She also suffered an abscess from being bitten, as well as various bruises.

Award: $6,000.00 for pain and suffering, $100.00 for damage to clothing, and provision for 24 counselling sessions.

Assault with a piece of wood

Incident: A 46-year-old man knocked at the door of the wrong hotel room while searching for a friend. The occupant attacked the victim, striking him several times with a piece of wood.

Claim and assessment: The victim suffered a fracture to his left ankle which required surgery, a laceration over his left eye, and dental damage.

Award: $5,000.00 for pain and suffering and $200.00 for clothing damage. As dental costs were already paid by another government agency, no CICP payment was made for dental costs.

Injured by several assailants

Incident: A 37-year-old man was attacked and beaten by several men. The motive was thought to be robbery. It was later determined that the victim had provoked a fight with one of the men, which led to several others attacking the victim with a crowbar.

Claim and assessment: The victim suffered multiple lacerations to the scalp, face, left ear, and nose and required a number of sutures.

Award: $3,500.00 for pain and suffering, which was reduced by 20 percent to $2,800.00 because of the victim's contributing behaviour.

Fire set by arsonist

Incident: A 38-year-old woman made an application after an arsonist set fire to her residence. The fire destroyed all of the victim's belongings and killed two pet cats.

Claim and assessment: There were no physical injuries; however, the victim suffered significant post-trauma stress and required psychiatric care for chronic anxiety. The condition was complicated by a pre-existing personality disorder.

Award: $1,500.00 for pain and suffering.

Victim of criminal harassment

Incident: A 35-year-old woman received numerous threatening cards and letters from her former husband. In addition, the offender broke into her home, phoned her repeatedly, appeared at her workplace, followed her, and, on one occasion, physically assaulted her.

Claim and assessment: There were no physical injuries requiring medical treatment. However, there was evidence that the victim suffered extreme emotional trauma.

Award: $3,000.00 for pain and suffering and provision for 18 counselling sessions.

Robbery at knifepoint

Incident: A 60-year-old woman was grabbed from behind, choked, and threatened with death by a man who held a knife to her throat during a robbery. During the struggle, the victim suffered multiple cuts to the chin, throat, and fingers, resulting in a deep bruise to the throat and paralysis of the laryngeal nerve.

Claim and assessment: The victim required treatment over a five-week period, during which time she lost most of her voice. A surgical procedure was required to restore voice function, leaving a small scar on her neck.

Award: $5,000.00 for pain and suffering, $24.87 for medical expenses, $105.00 for counselling expenses, and $171.40 for damaged clothing.

Victim of shooting

Incident: During an argument with her roommate, a 35-year-old woman was shot in the neck when the roommate pointed a gun in the victim's direction. The offender was convicted of criminal negligence causing bodily harm.

Claim and assessment: The victim suffered a cervical spinal cord injury, which left her a quadriplegic with severe forelimb spasticity. She is now totally dependent on outside care. The victim was unemployed at the time of her injury; as there was no evidence of any significant attachment to the workforce in the past, there was no award for income loss.

Award: $50,000.00 for pain and suffering, payable to the Public Trustee in trust for the victim. Provision was also made for ongoing rehabilitation assistance as required.

Assault during a hockey game

Incident: While playing ice hockey, a 31-year-old man was attacked by another player and deliberately struck in the face with a hockey stick. The offender was convicted of assault.

Claim and assessment: The victim suffered a fracture and deep laceration of the nose. Post-concussion headaches and some facial numbness also occurred.

Award: $2,500.00 for pain and suffering, $1,213.44 for wage loss, and $89.91 for medical expenses.

Sexual assault resulting in pregnancy

Incident: A 19-year-old applicant sought compensation for sexual abuse occurring over a period of years. The offender was the victim's stepfather.

Claim and assessment: DNA testing determined that the offender was the father of the victim's child.

Award: $12,500.00 for pain and suffering. Although not awarded, consideration can be given in specific circumstances to provide compensation for maintaining a child conceived during a sexual assault.

Victim of threats

Incident: A 45-year-old man received multiple threats of violence from three former business partners.

Claim and assessment: There were no physical injuries, but the victim suffered mental and emotional trauma. There was no indication that he sought medical treatment.

Award: $500.00 for pain and suffering and provision of 12 counselling sessions.

Administration of noxious substance

Incident: A 19-year-old woman claimed a man whose children she babysat administered a noxious substance to her when she was 12 years old. The drug made the victim fall asleep and she awoke the following day in a bed. She has no recollection of what occurred in the interim.

Claim and assessment: There was no evidence of physical injury. A sexual assault examination could not be carried out, as the victim, a child at the time, was not compliant.

Award: $2,500.00 for pain and suffering.

Sexual abuse by hockey coach

Incident: Application was made on behalf of a 13-year-old boy who was sexually abused by his hockey coach over a nine-month period.

Claim and assessment: There were no physical injuries, but the victim suffered mental and emotional trauma.

Award: $5,000.00 for pain and suffering. An additional pain and suffering award of $2,500.00 was assessed upon further review, when psychological evidence indicated that the events led directly to alcohol abuse and a compromise of the victim's health. Provision was also made for counselling expenses, including $1,255.00 for previous counselling costs.

Victim of home invasion

Incident: A 49-year-old woman was confronted at the door of her residence by a male stranger with a gun. The victim was forced into her apartment, bound to a chair, and gagged. She was threatened several times and struck on the head with the gun while the offender searched through her possessions.

Claim and assessment: The victim received a laceration over her left eyebrow, and facial bruises. She became fearful for her future safety.

Award: $1,850.00 for pain and suffering and $25.00 for clothing damage. During a supplementary review it was determined that the incident had aggravated a pre-existing arthritis condition in her neck. A further award of $750.00 was granted for pain and suffering. Provision was also made for physiotherapy or massage therapy expenses.

Injured by a firework

Incident: A 32-year-old woman was struck by a Roman Candle-type firework, deployed by an unknown person in a random manner.

Claim and assessment: The victim suffered serious injuries resulting in total left-eye blindness, scarring to her eyelids, anxiety, and depression. She may require several surgeries.

Award: $12,000.00 for pain and suffering and coverage of surgery and/or counselling expenses not otherwise paid under a medical plan.

Attempt to prevent an offence

Incident: A 72-year-old man was attacked and beaten by three men after he attempted to prevent them from physically assaulting his daughter.

Claim and assessment: The victim suffered multiple bruises and abrasions and was treated by his family doctor.

Award: $850.00 for pain and suffering and provision for 12 counselling sessions.

Sexual assault

Incident: A 39-year-old woman was sexually assaulted while she was unconscious. Witnesses stopped the assault from continuing. The suspect was charged.

Claim and assessment: There were no physical injuries. The victim did suffer significant emotional trauma.

Award: $4,000.00 for pain and suffering and provision for 24 counselling sessions.

Minor injury not requiring medical attention

Incident: A 23-year-old woman was punched in the nose by her common-law spouse. An assault charge was dismissed, but a peace bond was ordered in regard to a charge of uttering threats.

Claim and assessment: The victim did not seek medical attention, but police had observed swelling and redness of the victim's nose.

Award: $250.00 for pain and suffering.

Reconsideration of prior decision

Additional evidence provided

Incident: An application relating to an alleged sexual assault in 1995 was disallowed due to insufficient evidence of a crime or injury. Further submissions were made by the office of the Public Trustee in the form of medical reports and letters from school counsellors. This information provided a basis for a supplementary review after which the claim was allowed.

Claim and assessment: The additional information confirmed that the sexual assault had taken place at a time consistent with the initial disclosure. The victim also suffered from mental and emotional trauma due to a number of incidents involving sexual abuse.

Award: $6,000.00 for pain and suffering and provision for further counselling.

Examples of disallowed claims

No offence committed

Incident: An application was made on behalf of an 11-year-old girl regarding multiple alleged incidents of sexual abuse committed by another female child. The occurrences were said to have taken place during a four-and-a-half-year period.

Assessment: Police investigation determined that the alleged victim and offender had been friends. The police did not interview the suspect as she was under the age of 12. As there was no evidence that a criminal offence had been committed – the incidents involved consensual acts of sexual experimentation – there was no basis on which to grant an award of compensation.

Events outside the province

Incident: An application was made on behalf of a 15-year-old girl alleging that she had been smuggled across the U.S. border, sexually assaulted, and forced into prostitution.

Assessment: No criminal charges were laid in British Columbia. There was no evidence that a criminal offence had been committed in the province. As compensation is not payable under this program for incidents occurring outside of B.C., no award was made.

Injury due to fall

Incident: A 45-year-old woman alleged an unknown female had assaulted her from behind. Police investigation did not find any evidence that a crime had been committed.

Assessment: Hospital records indicate that the injury resulted from the applicant falling while she attempted to board a bus. There was a history of alcohol abuse and a pre-existing head injury, which is believed to have contributed to her fall. There was no basis on which to award compensation.

Dog attack accidental

Incident: A 52-year-old man alleged that both he and his dog were attacked by a Rottweiler. He claimed that his right arm was injured and that his dog was bitten. The man did not obtain medical treatment, but requested payment of his veterinary bills.

Assessment: There was no evidence that the attack took place as a result of anyone's wanton and reckless disregard for the safety of the applicant. There was evidence that the incident was an accident. The fact of injury alone is not sufficient to establish that a person is a victim of crime within the meaning of the Act. Accordingly, no award was made.

Two conflicting stories

Incident: A 41-year-old man alleged that a male acquaintance made a threatening phone call to him, then arrived at his door and assaulted him. No criminal charges were laid.

Assessment: There were two conflicting stories regarding the incident. The suspect and his wife alleged that the applicant struck the suspect first and that the suspect only retaliated. Both versions of the incident were considered to be possible and neither person had more credibility than the other. As the evidence was evenly balanced, the burden of proof was not satisfied. No award was made.

Party to the crime

Incident: A 39-year-old man made application as an immediate family member in regard to the deaths of his wife and daughter. Following police investigation, the applicant was charged and convicted of their murders.

Assessment: Compensation cannot be awarded to an immediate family member who was a party to the offence that caused the victim's death. A claim requesting coverage of funeral and related costs was also disallowed.

No evidence of criminal offence

Incident: The applicant made a claim in regard to the death of her 23-year-old son who was found dead in his car. There were no apparent injuries except for a needle-puncture mark on one of his arms. The police determined that the deceased had injected himself with a potentially lethal dose of heroin.

Assessment: While the police did not rule out the possibility of homicide, evidence suggested that the death was caused by the drug use of the deceased. There was no evidence that the death was caused by a criminal act. While the claim may be reviewed if further relevant information is obtained, there was no basis on which to grant an award.

No intent to injure

Incident: A 41-year-old woman sought compensation for a knife wound to her hand. The police report indicates that the applicant had attempted to prevent a man from mutilating himself with a knife.

Assessment: Compensation can only be awarded if there is evidence that the injuries resulted from an intentional assault. No award was granted as there was no evidence of intent to injure the applicant.

Contribution by "picking fights"

Incident: A 22-year-old man alleged that he was physically assaulted in a bar. Witnesses claim the applicant was repeatedly attempting to "pick fights" with other patrons, and at one point, struck another man with a pool cue. A man was charged for striking the applicant with a beer bottle, but the charge was dismissed as the incident was held to be a consensual fight.

Assessment: By his own actions, the applicant had created the circumstances in which his injury occurred. His contribution made him ineligible for an award of compensation.

Police used reasonable force

Incident: A 53-year-old man alleged that he was physically assaulted by a police officer, who had stopped him for speeding. The applicant, who was reportedly uncooperative with the officer, suddenly drove away contacting the officer's right ieg. During an attempt to make the man stop, the officer inadvertently struck the applicant in the lower left jaw with a flashlight he was holding.

Assessment: There was no evidence that the officer had committed a crime. The injury occurred by accident when the officer attempted to lawfully restrain the man from leaving. There was no evidence of excessive force. No award was made.

Motor vehicle not a weapon

Incident: An application was made on behalf of an 18-year-old woman who claimed that she was injured when struck by the passenger door of a motor vehicle. The driver of the vehicle, who had been threatened and assaulted by another man, panicked and accidentally put the car in reverse while leaving the scene. Police reported a beer bottle in the applicant's hands broke on the door, causing a laceration to her arm. The driver was not charged with an offence.

Assessment: Police investigation determined that the driver of the vehicle did not commit an assault by the use of a motor vehicle. Compensation is payable only when a vehicle is used as a weapon of assault. The applicant's injury was caused by an accident. There was no basis on which to award compensation.

Willing participant

Incident: A 31-year-old woman alleged that two acquaintances, a male and female, drugged and sexually assaulted her and videotaped the incident without her knowledge or consent. While there was evidence that the applicant was videotaped while involved in sexual activity, it was determined to be consensual in nature. Police established that the applicant first contacted the couple in order to buy drugs from them and willingly consumed the drugs in their presence.

Assessment: While the videotapes were made without the applicant's consent, this is not a crime for which compensation is payable under the Act. In addition, there was no evidence that a crime occurred as the applicant had willingly participated in both sexual activity and consumption of drugs.

Assault due to drug debt

Incident: A 33-year-old man was attacked and stabbed with a knife by a male acquaintance following a confrontation over a drug debt. The suspect was identified and charged with a number of offences.

Assessment: Police investigation determined that this incident involved the purchase of a quantity of crack cocaine by the applicant and his girlfriend. When the suspect approached the applicant to settle the debt, the applicant armed himself with a hammer. The suspect retaliated by stabbing the applicant. Because the applicant was participating in criminal activity and had contributed significantly to the situation in which he was injured, his claim was disallowed.

Not a Criminal Code offence

Incident: An application was made on behalf of a 12-year-old boy regarding several incidents in which an adult male neighbour enticed the boy into his home and offered him alcohol and drugs. The offender had previously supplied a number of other young people with alcohol.

Assessment: Charges were pending under the *Liquor Control Act*, but the CICP provides compensation only if an applicant is injured as a result of the 56 Criminal Code offences listed in the Legislation. An offence under the *Liquor Control Act* is not one of those offences. There was no basis on which to award compensation.

No evidence of crime or injury

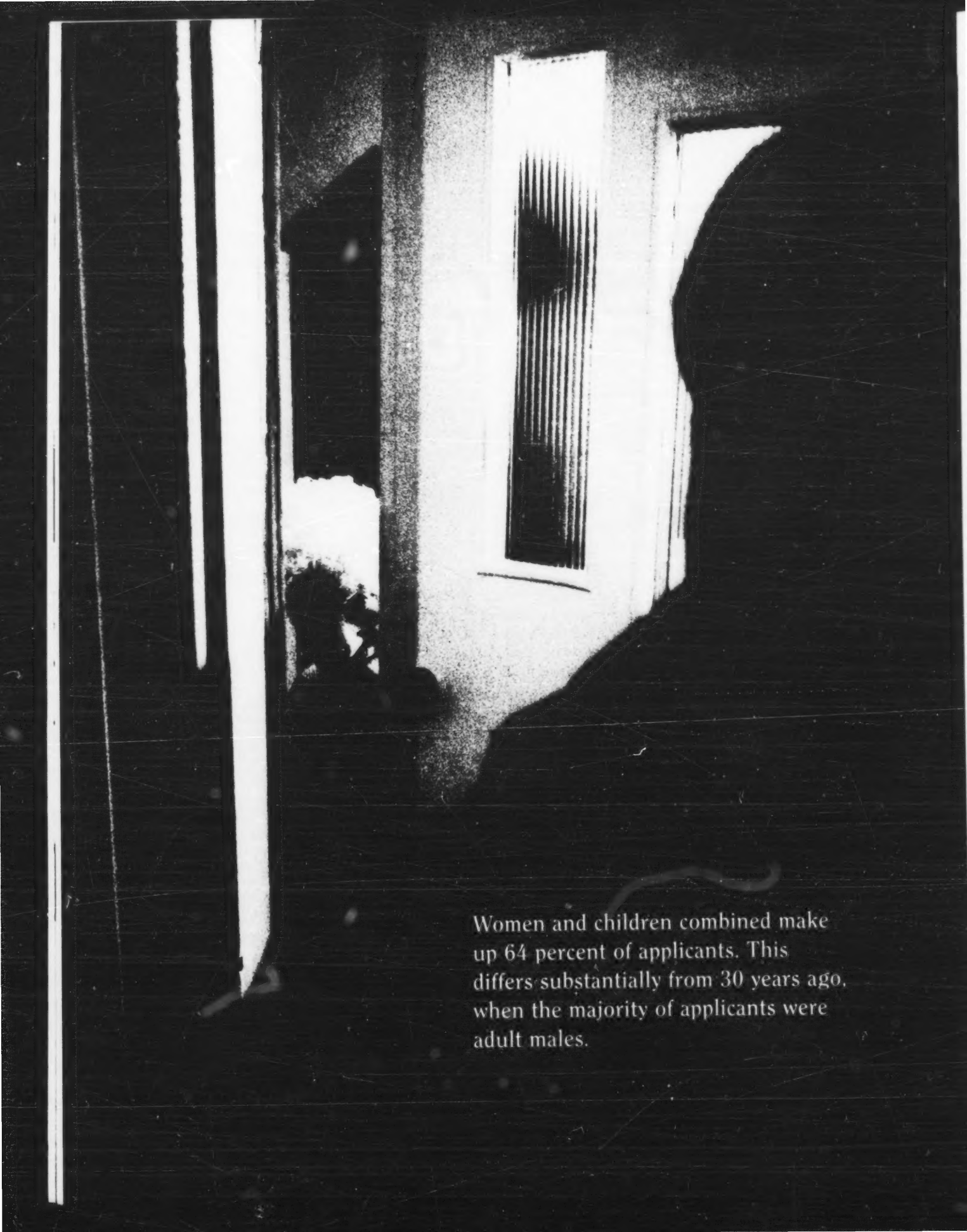
Incident: A 36-year-old woman alleged that her husband had physically and sexually assaulted her. She alleged various injuries, including a fractured left foot, a fractured tooth, a cut on the inside of the right thigh, as well as shock and hypothermia. She claimed to have received hospital and other medical treatment.

Assessment: After reviewing dental and medical information, it was found that approximately one month following the alleged incident, a dental checkup had not revealed any problems. Hospital and medical records did not indicate treatment for a sexual assault. The police investigation did not find evidence that a crime had been committed. As there was no evidence of a crime or injury, there was no basis on which to grant an award.

Reasonable force applied

Incident: A 39-year-old man alleged that he was attacked and assaulted by a security guard at a shopping mall. The police attended the scene and observed the applicant being escorted out of the mall by the security guard. The applicant had been asked to leave the mall due to his behaviour.

Assessment: There was no evidence that the security guard used more than reasonable force to remove the applicant from the mall. The applicant's actions contributed to the circumstances of his injury, and he was not entitled to an award of compensation.



Women and children combined make up 64 percent of applicants. This differs substantially from 30 years ago, when the majority of applicants were adult males.

Policy manual

For the last several years, the CICP has been updating and enhancing the draft policy manual that was distributed to stakeholders in November 1998. An updated policy manual that incorporates a number of changes to policy, practice, and procedure is now largely complete. This manual has been extremely valuable in:

- Providing victims with an understanding of the award process and maintaining consistency in awards for pain and suffering
- Clarifying the *Criminal Injury Compensation Act* and how its sections apply to individual claims
- Identifying and explaining CICP procedures
- Communicating types of assistance available under the program
- Providing a reference for victim representatives and appeal bodies
- Publicizing the scope of the program to the general public and other stakeholders
- Explaining the benefits available to immediate family members

Accessibility

To provide victims of crime with accessible, open, and accountable service, the CICP:

- Schedules telephone inquiries for victims unable to attend CICP offices
- Schedules oral inquiries on Vancouver Island to assist residents outside the Lower Mainland
- Presents information sessions to victims' assistance groups
- Streamlines the management structure to promote easier liaison with our stakeholders
- Changes process and adjudicative practices to reflect appeal decisions

Reviews

An applicant who wishes further consideration of his or her application can request a review. The review procedure is more informal and flexible than the appeal process, and may include an oral inquiry or a review of documents.

An applicant may have new information that was not previously available, or may want the adjudicator to review certain aspects of the case. Adjudicators may, in turn, request more information, such as current medical records.

There are three outcomes available to those applicants who participate in a review. The adjudicator will prepare a supplementary decision that will uphold, modify, or reverse the original one.

The primary intent of the CICP is to assist victims of crime. Therefore, any modification or reversal of the original decision is considered a positive outcome. The CICP encourages applicants to request a review or inquiry and, if necessary after the review, to launch an appeal. In this way, the CICP makes certain that applications for criminal injury compensation receive the most thorough consideration possible.

Appeals

An applicant always has the avenue of appeal if the outcome of a review or inquiry is considered unsatisfactory. It should be noted that the review process is not a prerequisite, and applicants may appeal to an Appeal Committee immediately after the initial decision on their case.

An Appeal Committee hearing may be held as an oral hearing, a review of documents, or both, with up to three committee members in attendance. If the Appeal Committee finds merit in the evidence and in the accompanying submissions, the committee may overturn the decision or request another review.

If the applicant continues to be unsatisfied, she or he may request their application be considered by the Appeal Division of the WCB. If the request to hear the case is denied, the appeal process ends, subject to reconsideration by the Appeal Division, as provided by the *Criminal Injury Compensation Act*.

Appeal Committee

The Workers' Compensation Review Board has historically provided members to make up Appeal Committees under the CICP. Last year, the Review Board determined it could no longer provide that resource. Accordingly, the CICP now has the benefit of two permanent experienced Appeal Committee members to perform this important aspect of the program. The inherent benefits include:

- Consistent quality of Appeal Committee decisions
- Centralized service for victims of crime
- Improved flow of communication for all stakeholders

Service improvements

In order to ensure the most efficient service for applicants, the claim process has been significantly revised. In the past, a claim was immediately assigned to an adjudicator. This was not always equitable. An applicant who applied earlier than others might have consideration of their application delayed, due to an adjudicator's workload, illness, holidays, or other circumstances.

Under the new system, the prepared files are placed in a queue in order of claim number. The first available adjudicator takes the oldest claim. Information system reports monitor the queue and the work of the adjudicators to ensure that the applicant who applies first is served first, and that applications are considered as quickly as possible.

Service is also improved through the creation of a CICP web site (www.criminalinjury.bc.ca), providing general information on the program in an easy-to-read format. Site users can also view and print copies of CICP publications and application forms.

Staff operations

The CICP is dealing with a greater volume of complex applications, and those who approach the program for help are often in crisis. Treating victims with respect and sensitivity, while providing timely and accurate service, is an essential part of the CICP's work.

The CICP staff comprises two managers, two consulting psychologists, one medical doctor, two investigators, one senior counsel, five adjudicators, one temporary policy analyst, and 37 support staff. CICP staff have a broad range of skills and training, and are able to draw on the resources of the Workers' Compensation Board to assist them in their work.

New reports

Client satisfaction survey

To measure client satisfaction, the CICP surveyed 317 randomly selected clients who received awards in 2000. The survey asked four questions:

1. Overall, were you satisfied with the service you received from the Criminal Injury Compensation Program?
2. Were you satisfied with the time it took to process your claim?
3. Did the staff at the program treat you in a professional and caring way?
4. Did your experience with the program help you to deal with the incident for which you filed your claim?

The survey also asked: "Is there anything we could have done to improve our service to you?" All comments have been considered, and outstanding issues are currently being reviewed.

Respondents told us that:

- 68 percent were very satisfied with overall service
- 67 percent were very satisfied with the time it took to process their claim
- 79 percent said CICP staff treated them in a professional and caring way
- 60 percent said the program helped them deal with the incident for which they filed a claim

Victims of sexual assault and applications involving fatalities were not included in this survey due to the traumatic and sensitive nature of these claims. The program is considering ways of receiving input from this group of victims.

Another survey will be done in 2001, involving a different group of the CICP's stakeholders.

The CICP wishes to thank all respondents to the past survey for their valuable assistance to the program.

Adjudication timeliness

Due to the involvement of the criminal justice system and the fact finding and evidence gathering of the program, all adjudication is a time-consuming process. While lengthy delays are sometimes unavoidable, for example, when the outcome of a criminal trial must be waited for, the CICP endeavours to provide decisions within four months of the request.

In 2000, the CICP compiled statistics in order to track the timeliness of the adjudication process. Statistics were tracked for the months of July through December inclusive.

- In the month of July 2000, 432 original decisions were made and more than 70 percent were completed within four months.
- When the six months are averaged, 67.8 percent of the original decisions were completed within four months.
- 68 percent of the supplementary decisions were completed in less than two months.

In 2000, the CICP paid $417,561 in compensation for claims related to robbery, down from $622,176 in 1997.

Questions and answers

Before 1972, when the *Criminal Injury Compensation Act* was passed, the trauma suffered by victims and their families was not widely recognized in B.C. Today, based on feedback from applicants, victims of crime see compensation not only as a way to get back on track financially, but also as an acknowledgment of their suffering. People find the support they receive to be an important part of the healing process.

What is criminal injury compensation?

Under certain circumstances, anyone who has been injured as a result of a crime or is the immediate family member of a person killed due to a crime may be entitled to compensation. In addition, a person injured while helping a law enforcement officer or trying to prevent a crime may be eligible.

How do applicants learn about the CICP?

Initial contact usually occurs when a victim is referred by the police, victims-of-crime support groups, or hospital staff.

Must the incident be reported to the police?

Yes. Before applying for compensation, victims should make a report of the incident to the police.

Must charges be laid or the offender convicted before the victim can receive compensation?

No. To qualify for an award, it is not essential that the Crown approve charges or that the offender be convicted. In fact, the offender may never be identified, making the program particularly beneficial to victims of random acts of violence.

How long does it usually take for applications to be registered and acknowledged?

This process usually takes about two weeks.

How long does it usually take for a decision to be made?

On average, decisions are made between four and six months after receipt of an application.

Is a lawyer necessary?

No. A lawyer is not required to make a criminal injury application. Victims may, however, retain a lawyer at any time to assist them.

What is the adjudication process?

Most of the information required by the CICP is requested on the application form. The applicant will also be asked to provide original bills or receipts for expenses, the name of their employer, and details of other benefits claimed. The more detail the applicant provides the CICP, the more quickly the application can be processed.

CICP staff will obtain the police report. Applicants may be asked to attend an interview with an investigator, and may be examined by a physician or consulting psychologist.

How are payments made?

Compensation can be paid to an applicant in one of three ways:

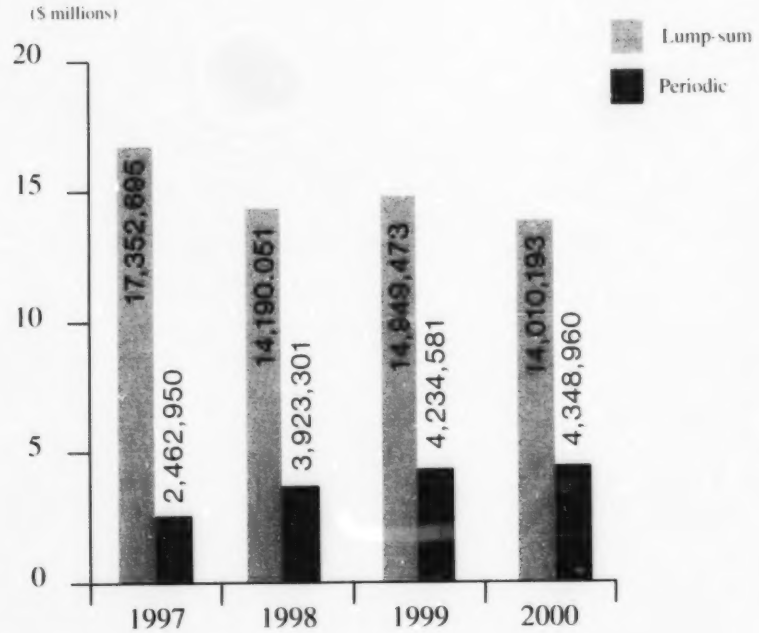
1. Lump-sum payment
2. Periodic payments
3. Combination of lump-sum and periodic payments

Awards for expenses such as funerals, replacing damaged clothes and eyeglasses, counselling, medical and dental treatments, and pain and suffering are usually paid in a lump sum. Periodic payments can be made to a victim with a permanent disability, or to the dependants of a victim who has been killed.

The maximum lump-sum payment that can be awarded for injury or death is $50,000. When an injury has caused permanent or temporary disability, the Act sets a limit on the amount of periodic payments.

No compensation is awarded for claims under $100.

Awards shown by type of payment



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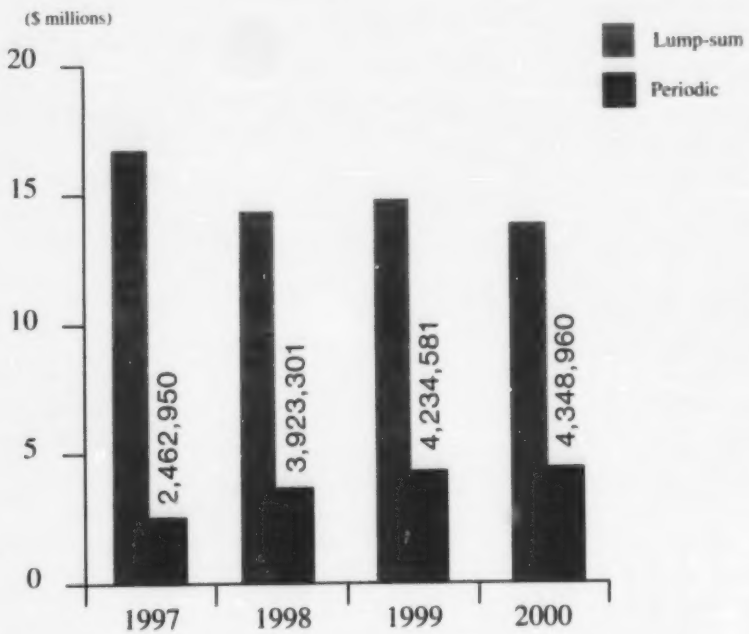


Is it possible to obtain interim payments?

Where an applicant is in financial need and it is likely the CICP will award compensation, interim payments can be made. These emergency payments are limited to medical, dental, counselling, and wage-loss expenses.

The interim payment is deducted from the final award.

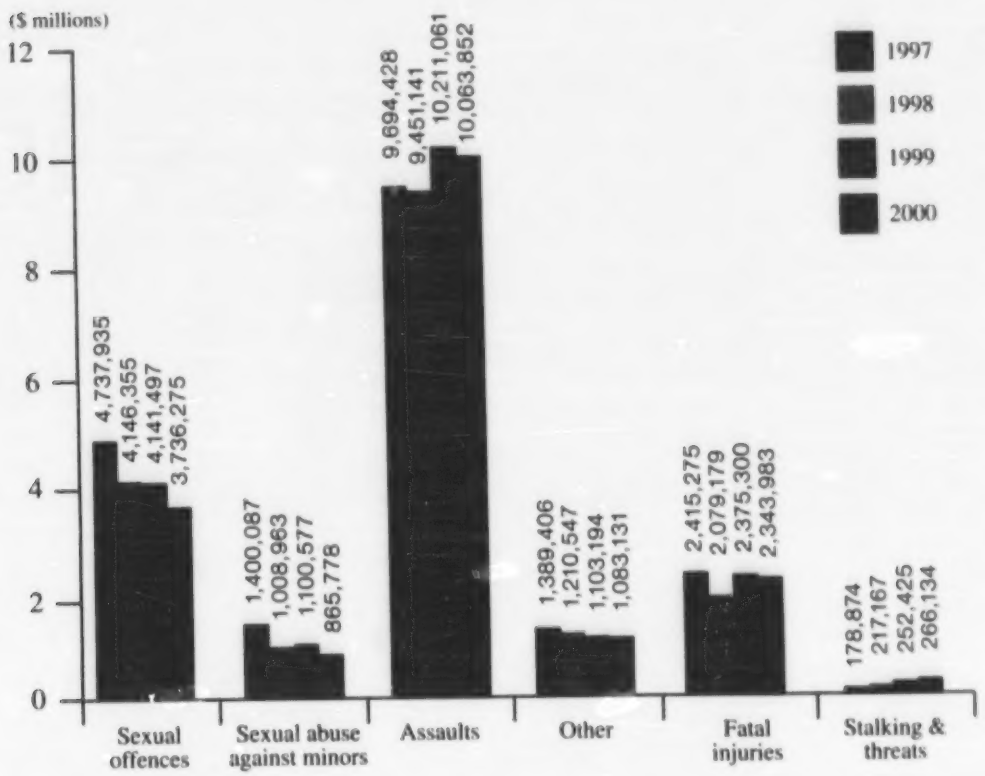
Can the CICP pay for counselling?

The CICP recognizes that for victims and their families to recover from the trauma of their injuries or loss, they must heal physically and emotionally. Counselling is an important part of that healing. It may be provided for a victim's recovery or for family members of deceased victims. The consulting psychologists help assess the type and length of counselling needed.

Can a claim file be disclosed?

While considering a claim, the CICP may receive relevant information from several sources, including the police, hospitals, employers, therapists, psychiatrists, and Human Resources Development Canada regarding employment insurance. If disclosure of information is requested, it will only be made according to law or in compliance with orders of a court or tribunal.

Awards paid by type of crime



Can legal action be pursued while compensation is being received?

The *Criminal Injury Compensation Act* permits victims of crime to claim compensation and, at the same time, to sue the party who caused their injury.

An applicant must notify the CICP if legal action is taken, and if money is recovered from the person responsible for the injury. If an applicant recovers money from the responsible party, it must be used to reimburse the CICP. In some cases, the CICP may conduct legal action itself.

If a person is criminally injured on the job and receives both workers' compensation benefits and a criminal injury award for pain and suffering, the individual may lose entitlement to pursue legal action.

Can a decision of the CICP be reviewed?

Applicants not satisfied with the outcome of a case can request a review.

The review process is more informal and flexible than the appeal process. It may take the form of a review of documents or an oral inquiry. In both cases, the adjudicator who made the original decision will conduct the review or the inquiry. An applicant may have new information or may want the adjudicator to review certain issues. In either a document review or an oral inquiry, the adjudicator will prepare a supplementary decision that will uphold, modify, or reverse the original decision.

What if the applicant is not satisfied after an appeal?

The applicant may make a request to either the Chief Appeal Commissioner of the WCB Appeal Division or to the Appeal Committee for leave to take the case to the Appeal Division.

If the Chief Appeal Commissioner or the Appeal Committee declines the applicant's request to review the case, or has reviewed the case and made a ruling, the appeal process ends.

What happens if a medical condition caused by a previously allowed criminal injury claim returns?

The applicant may request that the claim be reopened.

Where can applicants obtain an application form?

An application form can be obtained from any office of the Workers' Compensation Board of B.C., or by telephoning the CICP at 604 244-6400, or toll-free in B.C. at 1 800 449-5331.

Is there a time limit for applying?

Applicants must apply for compensation within one year of the injury or death. This time limit may be extended.

When the legislation establishing the CICP was passed in 1972, benefits were available to victims of 39 scheduled offences. Since then, 17 new offences have been added to the list, bringing the total to 56. The most recent additions include criminal harassment (stalking) and uttering threats, both added in 1995.

In that same year, compensation was extended to include non-dependent immediate family members of victims killed by criminal acts. This recognizes the hardship suffered by this group – usually parents – and their need for support. Because claims involving fatalities invariably involve more applicants than do non-fatal claims, this factor continues to impact the workload of the CICP.

- In 2000, total compensation of $18,359,153 was paid on 5,246 claims.
- 1,607 applications were denied, and 3,572 applications were accepted in 2000.

The CICP paid $14,010,193 in lump-sum payments and $4,348,960 in periodic payments in 2000. This compares with 1999, when $14,949,473 was paid in lump-sum payments and $4,234,581 was paid in periodic payments.

Criminal harassment: 63 claims were adjudicated and $112,936 paid in compensation in 2000. Of the applicants, 54 were female and 9 were male.

Uttering threats: 124 claims were adjudicated and $153,198 paid in compensation. Of the applicants, 96 were female and 28 were male.

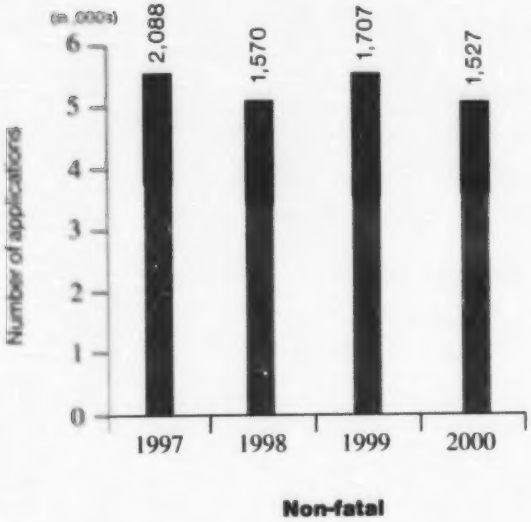
Sexual assault/sexual abuse: 1,480 claims were awarded compensation, totalling $4,602,053.

Domestic violence: 1,553 claims were adjudicated and $3,674,426 was awarded.

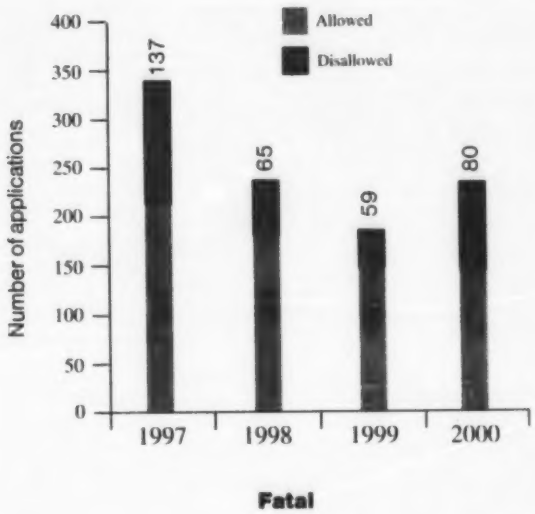
In 2000, the CICP paid $1,753,318 or 9.6 percent of its total compensation payments for counselling, compared with $1,973,981 or 10.3 percent in 1999.

In 2000, 300 applicants were awarded $461,607 in compensation for criminal injuries that were also workers' compensation claims.

Outcomes of applications adjudicated



Non-fatal



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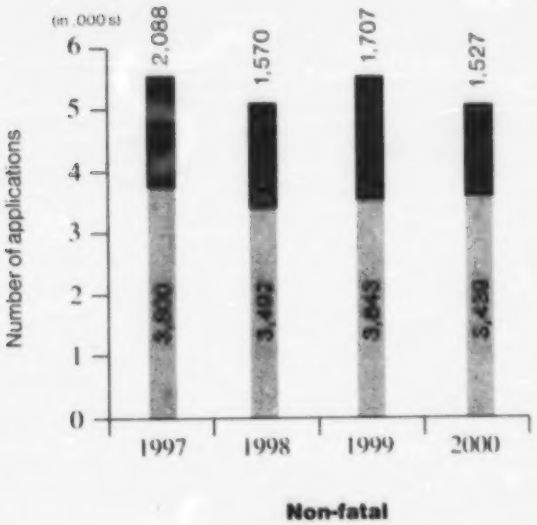

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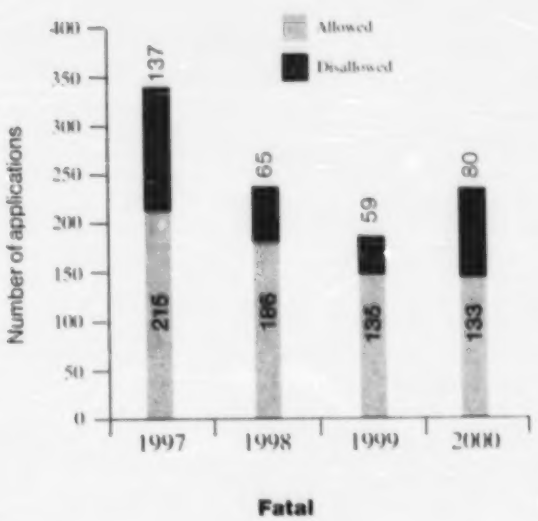


Fatal

Review and appeals

In 2000, there were approximately 2,548 reviews and 480 appeals.

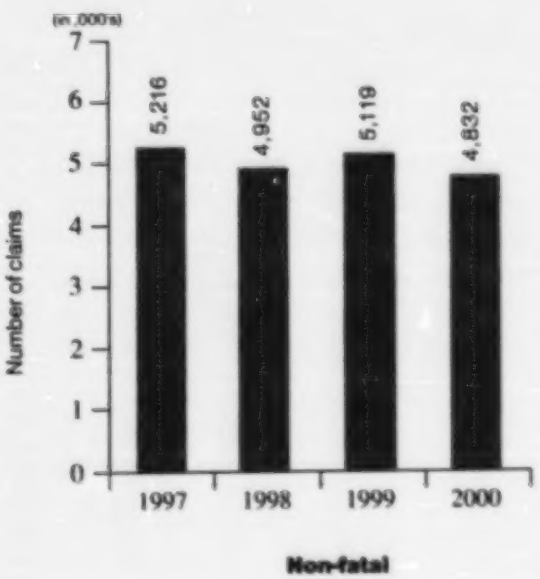
A review is performed by the original adjudicator to provide the applicant an opportunity to present additional information and/or documentation. It may be a document review or an oral inquiry. Most of the document reviews are on already accepted claims and result in a further award to the applicant. The review may also change the decision from a disallow to an allow and provide an award. Of the 2,368 document reviews in 2000, 69 percent resulted in favourable decisions for the applicants. This compares with 71.5 percent in 1999.

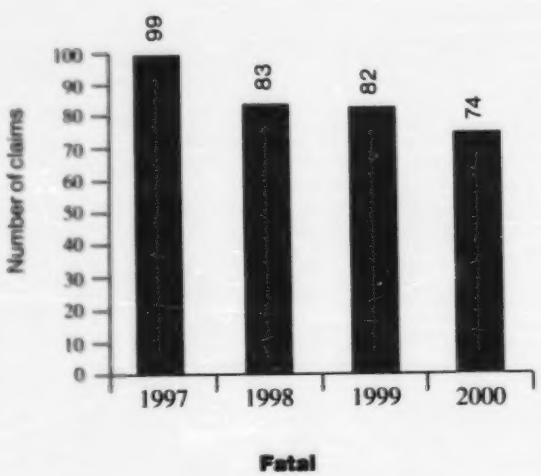
Of the 180 oral inquiries held in 2000, adjudicators modified or reversed decisions in 99 cases or 55 percent. In 1999, 152 oral inquiries were held, and adjudicators modified or reversed decisions in 88 cases or 58 percent.

Of the 389 cases reviewed by Appeal Committees in 2000, 115 were allowed, 249 were denied, and 25 were withdrawn. This compares with 1999, when Appeal Committees reviewed 461 cases, allowing 129 and denying 288, and 44 cases were withdrawn.

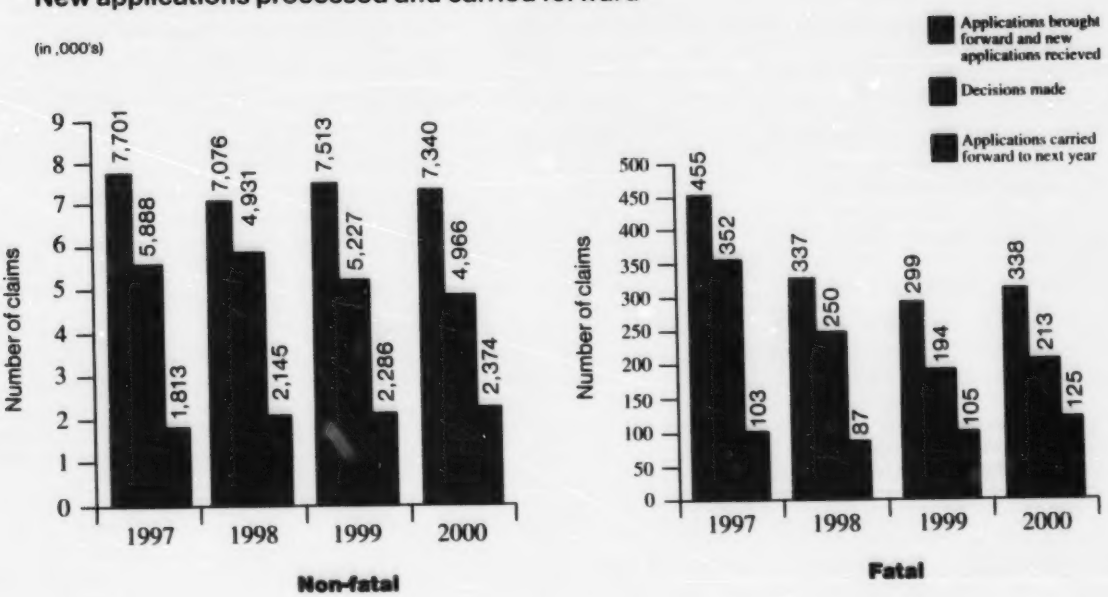
91 cases were considered by the Appeal Division in 2000. 23 were allowed and 68 were denied. In 1999, 86 cases were considered, with 20 allowed and 66 denied.

New claims received





New applications processed and carried forward



Compensation paid by type of crime, 1997 to 2000 (shown in $)

Crime	1997	1998	1999	2000
Abduction in contravention of custody order	0	0	6,032	0
Abduction of a person under 14 years of age	13,282	2,487	16,190	13,662
Administering noxious things	0	10,415	3,710	8,860
Aggravated assault	486,339	443,011	368,799	435,858
Aggravated sexual assault	36,133	36,371	12,509	19,111
Arson	53,812	23,080	42,175	30,539
Assault	5,940,856	6,000,946	6,631,381	6,327,437
Assault with a weapon	1,643,258	1,432,994	1,556,445	1,649,927
Assaulting a peace officer	750	507	8,350	17,284
Assisting a peace officer	163,872	115,653	72,786	61,261
Attempted murder	1,498,814	1,448,504	1,516,125	1,491,102
Causing bodily harm by criminal negligence	191,785	242,563	240,488	188,275
Causing bodily harm with intent	124,411	125,179	129,961	142,244
Causing death by criminal negligence	61,662	39,156	46,806	46,726
Common nuisance causing harm	8,137	6,091	5,175	20,417
Counselling or aiding suicide	6,724	0	0	0
Criminal harassment (stalking)	65,358	92,170	105,294	112,936
Dangerous operation of vessel or towed object	41,036	42,756	44,031	45,570
Explosives where death or bodily harm results	0	0	0	725
Failure to provide necessaries	800	0	0	0
Impaired operation of vessel	0	4,373	1,482	0
Incest	66,201	66,902	29,804	60,550
Intentionally causing death or bodily harm by explosives	39,688	28,835	29,277	33,596
Intimidation by violence	13,330	2,010	4,307	11,544
Invitation to sexual touching	36,150	28,333	44,828	21,538
Kidnapping	33,062	6,465	12,142	28,267
Manslaughter	260,592	153,732	233,769	205,961

Mischief causing danger to life	5,846	4,150	6,814	44,915
Murder	2,093,021	1,886,291	2,094,725	2,091,296
Overcoming resistance to commission of offence	3,850	4,287	0	900
Pointing a firearm or careless use of a firearm	1,841,401	158,570	178,978	157,612
Preventing a crime	9,845	8,500	4,000	15,882
Riots	0	0	3,610	19,383
Rape	24,397	27,970	22,074	0
Robbery	622,176	545,812	431,997	417,561
Sexual assault	4,511,976	3,960,554	4,006,568	3,592,420
Sexual assault with a weapon, threats to a third party	63,078	26,225	25,714	23,274
Sexual exploitation of a young person	151,885	77,742	130,785	87,310
Sexual touching of a person under 14 years of age	1,248,202	931,221	969,792	778,468
Taking offensive weapons and explosive substances	300	4,500	0	3,545
Uttering threats	113,516	124,997	147,131	153,198
Total	**19,815,645**	**18,113,352**	**19,184,054**	**18,359,153**

The Consolidated Revenue Fund of British Columbia, through the Ministry of Attorney General, funds the Criminal Injury Compensation Program.

The CICP's management is responsible for the integrity of the financial statements, which are prepared in accordance with generally accepted accounting principles. Management has also established systems of internal control to ensure assets are properly accounted for and safeguarded from loss.

The Internal Audit and Evaluation Department of the WCB performs audits designed to test the adequacy and consistency of the CICP's internal controls, practices, and procedures.

Summary of actual expenditures for 1996 to 2000 (shown in $)

Claim costs	**1996**	**1997**	**1998**	**1999**	**2000**
Awards paid	21,188,407	19,815,645	18,113,352	19,184,054	18,359,153
Administration costs					
Salaries and payroll	2,530,566	2,613,488	2,526,070	2,386,474	2,524,776
Building service costs	468,231	404,960	390,156	361,697	327,659
Indirect service costs	497,832	497,832	531,432	531,432	531,432
Computer system development	582,478	153,054	209,702	224,114	482,424
Travel and investigations	716,174	627,238	578,139	616,352	574,272
Communications	66,420	59,383	53,068	39,499	63,819
Equipment	71,062	59,240	33,098	85,499	103,300
Supplies and stationery	25,877	20,470	19,023	18,584	15,390
Miscellaneous	186,578	113,038	102,019	64,455	103,937
Consulting fees	227,820	223,416	196,570	178,180	211,127
Appeal Committee hearings	297,876	450,772	560,842	353,462	306,766
Appeal Division hearings	00	53,310	175,399	68,937	284,092
Miscellaneous recoveries [1]	(242,015)	(649,494)	(325,042)	(424,477)	(321,060)
Subtotal	5,428,899	4,626,707	5,050,476	4,504,208	5,207,934
Total expenditure	**26,617,306**	**24,442,352**	**23,163,828**	**23,688,262**	**23,567,087**

[1]Miscellaneous recoveries include recoveries for parking and salaries of staff on secondment, and from legal action against offenders.

Summary of 2000 expenditures

- Awards and expenses in 2000 totalled $23,567,087.
- Administration costs totalled $5,207,934 and awards totalled $18,359,153.

The CICP's administrative expenses include the costs of gathering information needed for adjudicating claims, such as police and medical reports. The staff oversee these administrative costs, along with award costs, by supervising payments, assessing charges, and monitoring expenses.

Compensation paid in 2000

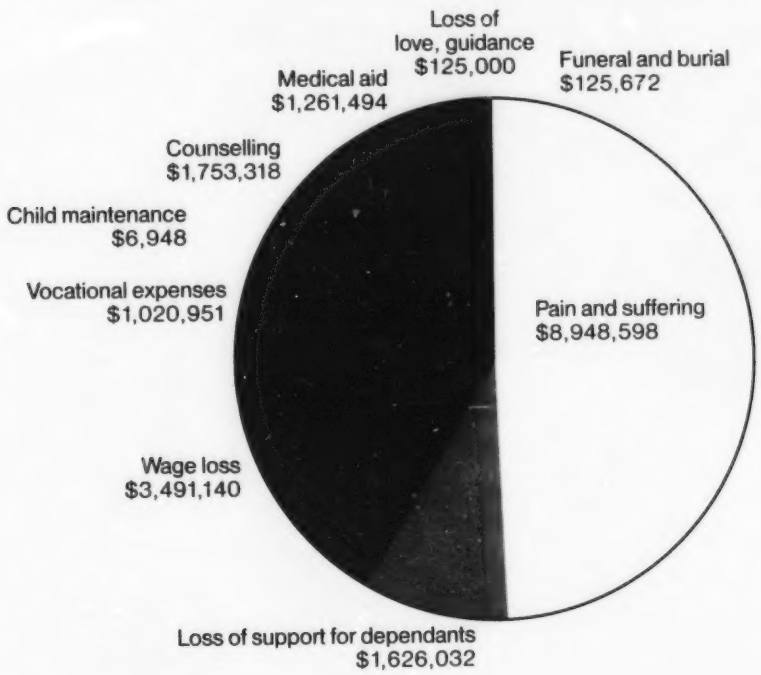
Of the $18,359,153 awarded in compensation, $8,948,598 or 48.7 percent was for pain and suffering awards, which continue to account for almost half of all compensation paid.

Assaults and sexual offences continue to make up a large part of compensation. In 2000, $10,063,852 was paid to assault victims, and $4,602,053 was paid to victims of sexual offences.

Awards for claims involving stalking and uttering threats rose from $252,425 in 1999 to $266,134 in 2000.

A total of $2,343,983 in compensation was paid to families of victims killed by criminal acts, compared with $2,375,300 in 1999.

Compensation paid in 2000 by type of award



Criminal Injury Compensation Program

www.criminalinjury.bc.ca

Office location
215 – 5200 Hollybridge Way
Richmond, B.C.

Mailing address
Criminal Injury Compensation Program
PO Box 5350 Stn Terminal
Vancouver BC V6B 5L5

Phone and fax
Phone 604 244-6400
1 800 449-5331
Fax 604 244-6480

Appeal Committee
Phone 604 244-6464
1 800 449-5331
Fax 604 244-6480

Workers' Compensation Board of B.C.

www.worksafebc.com

Head office location
6951 Westminster Highway
Richmond, B.C.

Mailing address
Workers' Compensation Board of B.C.
PO Box 5350 Stn Terminal
Vancouver BC V6B 5L5

Phone numbers
604 273-2266
1 800 661-2112

Appeal Division
Phone 604 276-3067
1 800 661-2112
Fax 604 276-3349

WCB offices around B.C.

The WCB office in your area can supply copies of CICP application forms and brochures.

B.C. Interior Call Centre
110 – 2045 Enterprise Way
Kelowna BC V1Y 9T5
Phone 250 717-4301
1 888 922-6622
1 888 922-4466
Fax 250 717-4334
1 888 922-5511

B.C. North Call Centre
1066 Vancouver Street
Prince George BC V2L 5M4
Phone 250 561-3715
1 800 663-6623
Fax 250 561-3703
1 888 922-8811

Lower Mainland Call Centre
6951 Westminster Highway
Richmond BC V7C 1C6
Phone 604 231-8888
1 888 967-5377
Fax 604 231-8840 or 604 231-8891

Vancouver Island Call Centre
4514 Chatterton Way
Victoria BC V8X 5H2
Phone 250 881-3400
1 877 280-1515
Fax 250 881-3481
1 888 265-6607

For more information

For additional copies of this report, or if you would like a copy of the brochure *Compensation for Victims of Crime*, contact:

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or

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